

रजिस्ट्रार नं० HP/13/SMD-2006.



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, सोमवार, 3 जुलाई, 2006/12 अगस्त, 1928

हिमाचल प्रदेश सरकार

REVENUE (PROJECT CELL) DEPARTMENT

NOTIFICATION

Shimla-2, the 31st May, 2006

No. Rev. (PD) F(5)-4/99.—The Governor, Himachal Pradesh is pleased to notify the Scheme for the Resettlement and Rehabilitation of Project affected families of Karcham Wangtoo Hydro Electric Project as per Annexure-A.

By order,

Sd/-

F. C.-cum-Secretary.

RESETTLEMENT AND REHABILITATION SCHEME FOR PROJECT AFFECTED FAMILIES OF KARCHAM WANGTOO HYDRO ELECTRIC PROJECT

Whereas for construction of Karcham Wangtoo Hydro Electric Project, besides Government land, private land has also to be acquired by the State Government for handing over to the Project Authority. Due to the acquisition of private land for the Project, many families will be affected and some of them may also become houseless and landless.

And whereas to protect the interests of the Project affected families, adequate arrangements for the Resettlement and Rehabilitation have to be made in accordance with Rule 8-A of the Himachal Pradesh Nautor Land Rules, 1968, which provides for framing of a special scheme for Resettlement and Rehabilitation of persons who are displaced as a result of anything done for any public purpose.

Now, therefore, the Government of Himachal Pradesh and Jaypee Karcham Hydro Corporation, Ltd. hereby make the following scheme for Resettlement and Rehabilitation of persons affected on account of acquisition/private negotiations of their land and other immovable properties under the Land Acquisition Act, 1894 for the construction of Karcham Wangtoo Hydro Electric Project, affecting people of Kinnaur district.

PART-I

1.1 This Scheme may be called the Resettlement and Rehabilitation Scheme of Jaypee Karcham Hydro Corporation Ltd. for the Project affected families of Karcham Wangtoo Hydro Electric Project (hereinafter called R & R Scheme for Karcham Wangtoo H E P).

1.2 It shall extend to the whole of area affected or likely to be affected as a result of construction of Karcham Wangtoo Hydro-Electric Project within Kinnaur district of Himachal Pradesh.

1.3 The Commissioner for Resettlement and Rehabilitation appointed by the State Government for supervising the relief and rehabilitation works of various Projects in Himachal Pradesh would also be the Commissioner for Resettlement and Rehabilitation under this Scheme. The resettlement and rehabilitation works shall be carried out under his directions and guidance.

1.4 Deputy Commissioner, Kinnaur in whose jurisdiction the Project Affected Area falls, will be the Administrator for Resettlement and Rehabilitation.

1.5 In this Scheme, unless the context otherwise requires:

(a) Family :

"Family" means husband/wife of the person who is entered as owner/co-owner of land in the Revenue Record, their children including step or adopted children, grand children and includes his/her partents and those brothers and sisters who are living jointly with him/her as per entries of Panchayat Parivar Register as on the date of Notification under section 4 of the Land Acquisition Act, 1894.

Explanation :

Only the Panchayat Parivar Register Entry, as it stood on the date of Notification under section 4 of the Land Acquisition Act, 1894, shall be taken into account for the purpose of separate family for rehabilitation benefits as well as for consideration of employment.

(b) Project Affected area/affected Zones means area as notified by Deputy Commissioner Kinnaur or where land is acquired for construction for any component of project infrastructure, township, offices, construction facilities, welfare facilities etc. Unit for declaring Project Affected area would be Gram Panchayat/Revenue Village.

(c) Project affected family (PAFs) :

The Project Affected Family means a family person whose place of residence or other properties or source of livelihood are substantially affected by the process of acquisition of land for the project and who has been residing continuously for a period of not less than three years preceding the date of declaration of the Project Affected Area/Affected Zone or practicing any trade, occupation or vocation continuously for a period of not less than three years in the Project Affected area/Affected zone, preceding the date of declaration of the affected Zone.

Explanation :

The date of declaration will be taken as the date of notification under section 4 of Land Acquisition Act, 1894. The period of residence of not less than three years will not be applicable in respect of PAFs who own land in the Project Affected Area. The period of residence of not less than three years as well as effects on source of livelihood would be determined by the Deputy Commissioner Kinnaur.

(c) (i) Project Affected Family rendered landless :

The Project affected family rendered landless means that family whose agricultural land is acquired for the project and in whose case balance agriculture land left after acquisition is less than 20 (Twenty) bighas.

For this purpose agricultural land held within the project area by all such persons and their family members shall be reckoned. The landless Project affected family shall be certified by the Deputy Commissioner, Kinnaur.

(c) (ii) Project Affected Family rendered Houseless :

The Project Affected family rendered houseless means the family whose dwelling house is acquired for the Project. This will be certified by the Deputy Commissioner Kinnaur.

(c) (iii) In addition to the above two categories, there will be Project Affected Families who will be rendered landless as well as houseless as per definitions given above. They shall be eligible for benefits of project affected families rendered landless and project affected families rendered houseless. This will be certified by the Deputy Commissioner, Kinnaur.

(d) Shopkeepers Displaced by the Project :

“Displaced Shopkeeper (s)” means the shopkeeper (s), who had taken shop (s) on rent and had been genuinely running business therein as on the date of issuance of notification under Section 4 of the Land Acquisition Act, 1894 and whose such shop(s) is acquired for the Project or the shop owner who was himself running his business in such shop (s).

(e) Project Authority :

“Project Authority” in normal connotation refers to Project developer or Project proponent e.g. State Government or Public Sector Undertaking implementing a Project etc. i. e. Jaypee Karcham Hydro Corporation Limited in this case.

(f) Words and expressions used in this scheme but not defined herein shall have the same meanings as assigned to them in the Himachal Pradesh Nautour Land Rules, 1968.

PART-II

SANCTION OF REHABILITATION GRANT, INFRASTRUCTURAL GRANT OR FACILITIES AND GRANT TO THE PROJECT AFFECTED FAMILIES RENDERED LANDLESS OR HOUSELESS OR BOTH

2.0 Resettlement Grant :

2.1 The Project Affected Family which is rendered landless on account of acquisition of land shall be eligible for landless grant in the following manner :—

1. Family whose land before acquisition was more than 10 bighas and is left with less than 5 bighas Rs. 1,00,000/-.
2. Family whose land before acquisition was less than 10 bighas and is left with less than 5 bighas Rs. 90,000/-.
3. Family left with more than 5 Bighas Rs. 80,000/-.
4. Family whose cattle shed is acquired in the project area, shall get one time financial assistance of Rs. 10,000/-. In no case the grant shall exceed Rs. 10,000/- per family.

2.2 Each Project affected family which is rendered landless as well as houseless (both) or houseless will be provided an independent house with a built-up plinth area of 60 sqm. Alternatively P. A. F. can also be offered a plot of size which allows construction of built up house of 60 sq. mt. plinth area plus construction cost of the house Rs. 3500 per sq. mtrs.

A family which does not opt for house plot but constructs his house at his own cost with a plinth area of 60 sq.mt. shall be paid the construction cost of the house @ of Rs. 4000/- per Sq.mt & options from such families will be asked at an appropriate time. In case any such family constructs house of less than 60 Sq. mt. plinth area on his own plot or plot offered by the Project authorities then amount to be given will be worked out on pro-rata basis.

2.3 Displaced shopkeepers will be given shops in allotment in the market complex of the Project Colony wherever the Project authority constructs such market places. The shops so given shall be Pucca shops with minimum size of 10'x15' or size equivalent to it. In addition, they will be entitled to one time displacement grant of Rs. 20,000/-. The commercial premises/shops allotted to such displaced shopkeepers shall be utilized by them or their successors in interest for *bonafide* use only.

2.4 Infrastructural facilities in the Rehabilitation colony will include water supply, sewage, drainage, electricity, streets and approach paths/roads at the Project cost.

2.5 Transportation at the Project cost will be provided for physical mobilization of all the P. A. Fs., and displaced shopkeepers, as soon as the houses/shop get constructed in the rehabilitation colony or a sum of Rs. 6,000/- in lump sum shall be given in lieu and the option will be invited from the affected families/shopkeeper regarding this in advance.

2.6 Stamp duty and other fees payable for registration shall be borne by the Project Authority. The Deputy Commissioner, Kinnaur will be the sanctioning authority for rehabilitation grant which shall be provided by the project authority and placed at the disposal of Deputy Commissioner for disbursement to the eligible concerned.

Note.—All the above grants shall be in addition to the compensation paid under Land Acquisition Act, 1894.

3.0 Employment :

3.1 One member of each Project Affected Family rendered landless will be provided employment by the Project Authority in the category of skilled/semi-skilled/unskilled workmen subject to fulfilling the requisite criteria/qualifications and as and when any fresh recruitment is done in these categories. It would be ensured that land oustees eligible for employment as mentioned above are given chance first and normal recruitment would be made only if none are available from amongst them. In that case people of the Project Affected Area shall be given preference. The Project Management shall provide appropriate training in time to the landless eligible persons so that trained persons as per the requirement of the Project could be prepared.

The following criteria will be adhered to by the Deputy Commissioner concerned for providing of preference while sponsoring the names for employment:—

- (a) Families whose land after acquisition is left with less than 5 Bigha of land.
- (b) Affected families who have become landless on account of acquisition of land by the Project Authority.
- (c) Others in which candidates of Project affected area shall also be included.

Within these categories preference will be given on the basis of quantum of land acquired. Those who lost more land will come first.

3.2 Secondary Employment :

There may be families who are not covered under the Project affected family rendered landless/houseless/shopless as given at 1.5 (c) (i), (c) (ii), (c) (iii) and (d) but their land is acquired for the project, they shall have to be helped in starting some gainful occupation or getting training. Therefore, such families who may not be accommodated in direct employment, the Project Authorities will help them in any one of the following manner:—

3.2.1 Merit Scholarship Scheme for the wards of Project affected families (PAFs) who may be pursuing vocational or professional course shall be introduced by the Project Authorities as per Schemes to be drafted by the Project Authority in consultation with Government of Himachal Pradesh.

3.2.2 The Project Authorities will also consider to award petty contracts to the co-operatives of eligible families on preferential basis so that some may be engaged in such jobs. Further, the Project Authorities will advise their contractors to engage eligible persons from affected families on a preferential basis wherever possible during construction stage.

3.2.3 The Project affected families (including rural artisans small traders and self-employed persons) will be assisted to start various suitable self-employed occupations which include dairy farming, poultry, weaving, bakery, handicraft, cottage industries units shops and hiring of vehicles to the Project Authority as per Scheme to be drafted by them. The Project Authority will provide a grant of Rs. 36,000/-per family towards seed capital. The grant will be given once only.

“Only those families who have not been provided with employment in the Project or have not been allotted any shop will be eligible for this grant”.

Explanation :

The Deputy Commissioner, Kinnaur will certify effect on source of livelihood in case of rural artisans, small traders and self-employed persons for eligibility of the grant.

3.2.4 The Project Authority will provide support services for Project Affected Families interested in horticulture, agriculture and veterinary.

3.2.5 Free of cost cooker to each project affected family would be provided by the Project Authority.

PART-III

4.0 Community Development :

4.1 Project affected areas/villages after due assessment done by the committee constituted under the chairmanship of the Deputy Commissioner will be provided with infrastructural upgradation schemes which will include :

- *Mobile Health Centre Van
- *Approach Roads
- *Internal Roads
- *Drinking Water Supply Scheme
- *Community/Welfare Centres.
- *Facilities/Furniture/Lab/Equipment etc. for Schools
- *Play Ground
- *Sanitation Facilities
- *Street Lighting
- *Agriculture/Horticulture camps & facilities

4.2 Infrastructural facilities :

The Project Authority will build such infrastructural development works in the vicinity of the project area that may be essentially required for the construction of the project and or benefit the local population. These works may be mutually decided with Government of Himachal Pradesh.